

STATE OF INDIANA,

Petitioner,

v.

COURTESY CALL
PRODUCTIONS, INC.

Respondent.

SPECIAL SERVICES
ALJ

to the Director of the Consumer Protection Division who is the ultimate authority for the Division.

2. Courtesy Call Productions, Inc. is registered with the Consumer Protection Division of the Indiana Attorney General's Office ("Division") as a professional fundraiser solicitor. Its address on file with the Division is 2198 Elm Tree Lane, Crown Point, Indiana 46407.

3. At least since 1996, when Respondent initially became registered as a professional fundraiser solicitor with the Division, Respondent has acted as a professional solicitor on behalf of charitable organizations by soliciting contributions from Indiana residents.

4. On June 6, 2004, Respondent signed an Assurance of Voluntary Compliance with the Division, agreeing among other things to comply with all of the requirements of the Professional Fundraiser Consultant and Solicitor Registration Act, Ind. Code § 23-7-8-1 *et seq.* The Assurance of Voluntary Compliance was approved by the Marion Circuit Court on July 13, 2004.

Fraternal Order of Police #153 (Lake Station Lodge)

5. On September 26, 2005, Respondent filed with the Division a solicitation notice regarding a campaign to be conducted on behalf of Fraternal Order of Police #153, which is located in Lake Station, Indiana.

6. On September 26, 2005, Respondent also filed with the Division a copy of Respondent's contract with Fraternal Order of Police #153, which is dated September 25, 2005.

7. According to Respondent's solicitation notice with Fraternal Order of Police #153, the solicitation campaign was projected to start on October 1, 2005 and end on November 4, 2005.

8. Respondent failed to file with the Division, not later than ninety (90) days after Respondent's solicitation campaign with Fraternal Order of Police #153 ended, a campaign financial report containing the information required under Ind. Code § 23-7-8-2(f) and 11 IAC 3-7-1.

9. The report was not filed until December 14, 2006.

Michigan City Firefighters Local #475 (2005 Campaign)

10. On September 28, 2005, Respondent filed with the Division a solicitation notice regarding a campaign to be conducted on behalf of Michigan City Firefighters Local #475, which is located in Michigan City, Indiana.

11. On September 28, 2005, Respondent also filed with the Division a copy of Respondent's contract with Michigan City Firefighters Local #475, which is dated September 14, 2005.

12. According to Respondent's solicitation notice with Michigan City Firefighters Local #475, the solicitation campaign was projected to start on October 3, 2005 and end on December 23, 2005.

13. Respondent failed to file with the Division, not later than ninety (90) days after Respondent's solicitation campaign with Michigan City Firefighters Local #475 ended, a campaign financial report containing the information required under Ind. Code § 23-7-8-2(f) and 11 IAC 3-7-1.

14. The report was not filed until December 14, 2006.

Lake County Police Association Local #72

15. On January 10, 2005, Respondent filed with the Division a solicitation notice regarding a campaign to be conducted on behalf of Lake County Police Association Local #72, which is located in Crown Point, Indiana.

16. On January 10, 2005, Respondent also filed with the Division a copy of Respondent's contract with Lake County Police Association Local #72, which is dated January 27, 2004.

17. According to Respondent's solicitation notice with Lake County Police Association Local #72, the solicitation campaign was projected to start on January 10, 2005 and end on December 23, 2005.

18. Respondent failed to file with the Division, not later than ninety (90) days after Respondent's solicitation campaign with Lake County Police Association Local #72 ended, a campaign financial report containing the information required under Ind. Code § 23-7-8-2(f) and 11 IAC 3-7-1.

19. The report was not filed until December 14, 2006.

Portage Firefighters Local #3151

20. On January 7, 2006, Respondent filed with the Division a solicitation notice regarding a campaign to be conducted on behalf of Portage Firefighters Local #3151 which is located in Portage, Indiana.

21. On January 7, 2006, Respondent also filed with the Division a copy of Respondent's contract with Portage Firefighters Local #3151, which is dated November 30, 2005.

22. According to Respondent's solicitation notice with Portage Firefighters Local #3151, the solicitation campaign was projected to start on January 2, 2006 and end on February 28, 2006.

23. Respondent failed to file with the Division, not later than ninety (90) days after Respondent's solicitation campaign with Portage Firefighters Local #3151 ended, a campaign financial report containing the information required under Ind. Code § 23-7-8-2(f) and 11 IAC 3-7-1.

24. As of this date Respondent was held in default, the report had not been filed.

Michigan City Firefighters Local #475 (2006 Campaign)

25. On February 24, 2006, Respondent filed with the Division a solicitation notice regarding a campaign to be conducted on behalf of Michigan City Firefighters Local #475, which is located in Michigan City, Indiana.

26. On February 24, 2006, Respondent also filed with the Division a copy of Respondent's contract with Michigan City Firefighters Local #475, which is dated February 23, 2006.

27. According to Respondent's solicitation notice with Michigan City Firefighters Local #475, the solicitation campaign was projected to start on February 27, 2006 and end on May 26, 2006.

28. Respondent failed to file with the Division, not later than ninety (90) days after Respondent's solicitation campaign with Michigan City Firefighters Local #475 ended, a campaign financial report containing the information required under Ind. Code § 23-7-8-2(f) and 11 IAC 3-7-1.

29. The report was not filed until December 14, 2006.

Pride in Portage

30. On February 24, 2006, Respondent filed with the Division a solicitation notice regarding a campaign to be conducted on behalf of Pride in Portage, which is located in Portage, Indiana.

31. On February 24, 2006, Respondent also filed with the Division a copy of Respondent's contract with Pride in Portage, which is dated February 22, 2006.

32. According to Respondent's solicitation notice with Pride in Portage, the solicitation campaign was projected to start on February 24, 2006 and end on March 31, 2006.

33. Respondent failed to file with the Division, not later than ninety (90) days after Respondent's solicitation campaign with Pride in Portage ended, a campaign financial report containing the information required under Ind. Code § 23-7-8-2(f) and 11 IAC 3-7-1.

34. The report was not filed until December 14, 2006.

Annual Registration Renewal

35. On July 1, 2006, Respondent's yearly fundraiser renewal registration and Fifty Dollar (\$50.00) fee was due, pursuant to Ind. Code § 23-7-8-4(c) and 11 IAC 3-3-3.

36. On July 14, 2006, Respondent attempted to file its professional fundraiser renewal registration, but the form was not signed, dated, or notarized.

37. An accurate and complete registration was not filed until December 14, 2006.

ULTIMATE FINDINGS OF FACT

1. Respondent is a "professional solicitor" as defined by Ind. Code §23-7-8-1.
2. Respondent must comply with 11 IAC 3-1 through 8.

3. By failing to file financial reports with the Division containing information concerning Respondent's campaigns with Fraternal Order of Police #153, Michigan Firefighters Local #475 (2005 campaign), Lake County Police Station #72, Portage Firefighters Local #3151, Michigan Firefighters Local #475 (2006 campaign), and Pride of Portage, not later than ninety (90) days after the end of the solicitation campaigns, Respondent violated 11 IAC 3-7-2.

4. By failing to file financial reports not later than ninety (90) days after Respondent's solicitation campaigns with Fraternal Order of Police #153, Michigan Firefighters Local #475 (2005 campaign), Lake County Police Station #72, Portage Firefighters Local #3151, Michigan Firefighters Local #475 (2006 campaign), and Pride of Portage ended, Respondent may be assessed a fine, pursuant to 11 IAC 3-7-3(a), of up to One Hundred Dollars (\$100.00) for each campaign for each month or part of a month starting from the ninety-first day after the ending of the solicitation campaigns.

5. By failing to file a complete and accurate registration renewal before July 1, 2006, Respondent may be assessed a fine, pursuant to 11 IAC 3-3-4(a), of up to One Hundred Dollars (\$100.00) for each month or part of a month after the date on which the registration renewal was due to be filed under Ind. Code § 23-7-8-4(c).

6. By failing to file a complete and accurate registration renewal before September 2, 2006, Respondent must pay the initial registration fee of One Thousand Dollars (\$1,000.00) pursuant to 11 IAC 3-3-5(2) and Ind. Code § 23-7-8-4(a), instead of the normal renewal fee of Fifty Dollars (\$50.00).

ORDER

WHEREFORE, the ALJ issues an order against Respondent for the following relief:

- a. production and filing with the Division, pursuant to 11 IAC 3-7-1, of Respondent's campaign financial report with Portage Firefighters Local #3151, covering the campaign period from January 2, 2006 to February 28, 2006;
- b. a fine, pursuant to 11 IAC 3-7-3(a), of One Hundred Dollars (\$100.00) for each month or part of a month, beginning on February 2, 2006 and ending on December 14, 2006 that Respondent failed to file a financial report for Respondent's campaign with Fraternal Order of Police #153 (a total of 11 months);
- c. a fine, pursuant to 11 IAC 3-7-3(a), of One Hundred Dollars (\$100.00) for each month or part of a month, beginning on March 23, 2006 and ending on December 14, 2006, that Respondent failed to file a financial report for Respondent's campaign with Michigan City Firefighters Local #475 (2005 campaign) (a total of 9 months);
- d. a fine, pursuant to 11 IAC 3-7-3(a), of One Hundred Dollars (\$100.00) for each month or part of a month, beginning on March 23, 2006 and ending on December 14, 2006, that Respondent failed to file a financial report for Respondent's campaign with Lake County Police Association Local #72 (a total of 9 months);
- e. a fine, pursuant to 11 IAC 3-7-3(a), of One Hundred Dollars (\$100.00) for each month or part of a month, beginning on May 29, 2006 and ending on the date Respondent was held in Default, that Respondent has failed to file a timely financial report for Respondent's campaign with Portage Firefighters Local #3151 (a total of 15 months);
- f. a fine, pursuant to 11 IAC 3-7-3(a), of One Hundred Dollars (\$100.00) for each month or part of a month, beginning on August 24, 2006 and ending on December 14, 2006, that

Copies to:

Courtesy Call Productions, Inc.

2198 Elm Tree Lane

Crown Point, Indiana 46407

CERTIFIED MAIL NUMBER: 7603 31100004 5103 6699

RETURN RECEIPT REQUESTED

Matthew Light

Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL

302 West Washington Street

IGCS 5th Floor

Indianapolis, Indiana 46204-2770

HAND DELIVERY

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